



CITY OF PIEDMONT CALIFORNIA

May 21, 2019

SENT VIA EMAIL

SB 1421 Records
ATTN: Lisa Fernandez
KTVU Channel 2
2 Jack London Square
Oakland, CA 94607
Email: lisa.fernandez@foxtv.com

Re: Public Records Act Request Regarding SB 1421 Records

Dear Ms. Fernandez:

The City of Piedmont ("City") is in receipt of your California Public Records Act request ("Request"), which was received by the Piedmont Police Department ("Department") on May 20, 2019. A copy of your Request is enclosed for reference.

The City wishes to cooperate to the fullest extent possible with the California Public Records Act ("CPRA") (Government Code section 6250 *et seq.*) and Penal Code sections 832.7 and 832.8. Under established California law, the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The CPRA provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, privilege logs, or reports in response to a request. To the extent that your request contains definitions that differ from the language of Penal Code sections 832.7 and 832.8 or seeks materials that remain confidential under state law, those materials are not disclosable under the CPRA.

The City is required to determine whether the request, in whole or in part, seeks copies of disclosable public records. Ordinarily, this determination must take place within ten (10) days of the City's receipt of the request.

CATEGORIES OF RECORDS

The City has interpreted your Request as one seeking records that are now disclosable under Senate Bill 1421 ("SB 1421"). Your Request identifies four categories of records that are sought; all defined by statute and contained within Penal Code sections 832.7 and 832.8. Additionally, your Request references various timeframes for records and asks that the City first undertake a search for records from one time period and then continue its search if records are located for another time period.

For the sake of simplicity, your Request has been interpreted to be a Request for specific records within the City's possession that fall within the four categories of records that are now disclosable under SB 1421. Consistent with the law, the City has made the following determinations for the timeframes indicated in the response.

CATEGORY 1: Officer-Involved Shootings (Penal Code § 832.7(b)(1)(A)(i))

The City has reviewed its records, regardless of date, and determined it has no responsive records in its possession. The City considers this request completed and closed.

CATEGORY 2: Use of Force Causing Death or Great Bodily Injury (Penal Code § 832.7(b)(1)(A)(ii))

The City has reviewed its records, regardless of date, and determined it has no responsive records in its possession. The City considers this request completed and closed.

CATEGORY 3: Sustained Sexual Assault (Penal Code § 832.7(b)(1)(B)(i-iii))

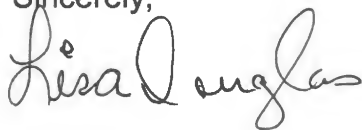
The City has reviewed its records, regardless of date, and determined it has no responsive records in its possession. The City considers this request completed and closed.

CATEGORY 4: Sustained Dishonesty (Penal Code § 832.7(b)(1)(C))

The City has reviewed its records from January 1, 2014 to May 20, 2019 and determined it has no responsive records in its possession. The City considers your entire Request completed and closed.

If you have any questions about the City's response or would like to discuss your request, please feel free to contact me at (510) 420-3014.

Sincerely,

A handwritten signature in black ink that reads "Lisa Douglas". The signature is written in a cursive, flowing style.

Lisa Douglas
Commander

Enc: California Public Records Act Request

May 20, 2019

RE: Public Records Act Request

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to (inspect/obtain a copy of) the following, which I understand to be held by your agency:

1. The names and reports of officers involved in police or deputy activity and covered under **SB 1421**. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident.
2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video.
3. Please release information as it becomes available. Written reports can be released ahead of audio and video.

KTVU is asking for Part 1 of our request as soon as possible.

We are seeking:

- (A) A record relating to the report, investigation, or findings of any of the following:
- (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
 - (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
- (B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
- (ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.
- (iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.
- (C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, **any sustained finding** of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.